

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

CHRIS ALAN REVARD,)
v. Plaintiff,)
JO ANNE B. BARNHART,) No. 01-4226-CV-C-FJG-SSA
Commissioner, Social Security)
Administration)
Defendant.)

ORDER

Currently pending before the Court is Defendants' Motion for Final Judgment (Doc. # 12). On April 23, 2002, the Court remanded this case pursuant to 42 U.S.C. § 405(g), sentence 6. Defendant states that upon remand, an administrative hearing was held, after which the ALJ issued a favorable decision on April 9, 2003, finding that plaintiff met the disability requirements.

Accordingly, as there is no longer a case or issue properly before the Court, the Court hereby **GRANTS** defendant's Motion for Final Judgment (Doc. # 12) and hereby DISMISSES this action.

The Court also notes that plaintiff, in his response concurring with the motion for final judgment, renews his request for attorney fees. See Response, Doc. No. 13, and Request for Attorney Fees, Doc. No. 8. The period for filing for an award for attorneys fees in sentence six cases under the Equal Access to Justice Act, 28 U.S.C. § 2412, “does not begin until after the postremand proceedings are complete, the Secretary returns to court, the court enters a final judgment, and the appeal period runs.” *Shalala v. Schaefer*, 509

U.S. 292, 298 (1993) (quoting Melkonyan v. Sullivan, 501 U.S. 89, 102 (1991). Therefore, plaintiff's renewed request for attorneys fees, filed on April 7, 2005, approximately a month prior to the entry of this order, is premature. Plaintiff, if he desires, may file a renewed request for attorneys fees within the time frame allotted by 28 U.S.C. § 2412 and the cases cited above.

IT IS SO ORDERED.

Date: May 10, 2005
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge